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LETTER DATED 21 OCTOBER 1999 FROM THE CHAIRMAN OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF ADDRESSED TO THE PRESIDENT OF THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

As the General Assembly is the forum that monitors, under agenda item 40, all matters related to oceans and the law of the sea, and more particularly the implementation at the global level of the United Nations Convention on the Law of the Sea, the Commission on the Limits of the Continental Shelf has requested me, as its Chairman, to bring to the attention of the Assembly several important matters related to the implementation of article 76 of the Convention. As you are aware, that article provides the rules by which coastal States may establish the outer limits of their continental shelves beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

The purpose of the Commission on the Limits of the Continental Shelf is to facilitate the implementation of the United Nations Convention on the Law of the Sea in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Under the provisions of both article 76 and Annex II to the Convention, the Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelves where they extend beyond 200 nautical miles: the Commission's recommendations and actions are to be without prejudice to the delimitation of boundaries between States with opposite or adjacent coasts.

The Commission's recommendations will be based on data and other material included in submissions to the Commission from those States. The limits of the continental shelf established by a coastal State on the basis of these recommendations shall be final and binding. The Commission is also mandated to provide scientific and technical advice, if requested by the coastal State concerned during preparation of such data. The Commission is currently prepared

both to accept such submissions from coastal States and to provide any scientific and technical advice that States preparing submissions may wish to obtain.

The Commission was established in accordance with the provisions of Annex II to the Convention. Under its terms, the initial election of the Commission should have been held "within 18 months after the date of entry into force of this Convention", that is, by 16 May 1996. However, at the Third Meeting of States Parties to the Convention, in 1995, it was decided that the election of members of the Commission would be postponed until March 1997, in order to afford an opportunity for additional States to become parties to the Convention and to nominate candidates for the Commission. In fact, the postponement of the elections allowed 31 additional countries to accede to the Convention, and 8 among them nominated candidates who were elected and are currently serving. A proviso was agreed upon that, should any State which was already a party to the Convention by 16 May 1996 (i.e., 18 months after the entry into force of the Convention) be affected adversely in respect of its obligation to make its submission to the Commission within 10 years after the entry into force of the Convention for that State (Annex II, article 4, emphasis added), States parties to the Convention, at the request of such a State, would review the situation with a view to ameliorating the difficulty in respect of that obligation (SPLOS/5, para. 20). The election of the 21 members of the Commission took place on 13 March 1997.

During the six sessions that have taken place since then, the Commission has organized itself to prepare for the receipt of submissions from coastal States. It first agreed upon its rules of procedure (CLCS/3/Rev.2) and modus operandi (CLCS/L.3), and has recently completed its Scientific and Technical Guidelines (CLCS/11 and Add.1) to assist States in preparing their submissions. Although no submissions have yet been received, the Commission is aware that the process of preparing a submission is at an advanced stage in some coastal States. Although, as was explained above, the time period during which submissions should be made to the Commission may be extended, coastal States are requested to note that the existing cut-off date is still the 10-year rule from entry into force of the Convention for the submitting State.

This year, the Commission adopted in its final form the Scientific and Technical Guidelines (CLCS/11), which are intended to provide assistance to coastal States regarding the technical nature and scope of the data and information which they have to submit to the Commission. The Scientific and Technical Guidelines are of a highly scientific nature; they deal with geodetic and other methodologies stipulated in article 76 for the establishment of the outer limit of the continental shelf, using such criteria as determination of the foot of the slope of the continental margin, sediment thickness and structure of submarine ridges and other underwater elevations. The Commission also adopted annexes to the Guidelines (CLCS/11/Add.1) which, inter alia, include flowcharts providing a simplified outline of the procedures described in the relevant parts of the Guidelines themselves.

The Commission took up the consideration of the issues of training necessary to develop the knowledge and skills for preparation of the submissions in respect of the outer limits of the continental shelf required by the

Convention. The issue of training was considered with a view to promoting better understanding of both article 76 of the Convention and of the Guidelines, in particular taking account of the needs of developing States. Research has been done to identify training needs and available means, including a review of existing training projects and capacities within the United Nations system. However, it is clear that there is a need for political and financial support for training programmes, especially for developing countries, both within the United Nations system and through other appropriate intergovernmental or non-governmental organizations at the international or regional level.

In order to provide additional scientific and technical guidance to help coastal States throughout the process of preparation of a submission, the Commission has decided to prepare next year a manual in the form of a flowchart. It has also decided to convene an open meeting for one day during its seventh session next year (1-5 May 2000), with a view to raising the awareness of States of the necessity of implementing the provisions of article 76 relating to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, bearing in mind the requirement of the Convention to submit particulars of such limits to the Commission in accordance with the 10-year rule.

In the context of its responsibilities to provide advice to coastal States, the Commission will prepare a draft outline for a training course of approximately five days' duration aimed at practitioners who would take part in the preparation of the submission of a coastal State. In addition, several members of the Commission's Working Group on Training will develop proposals for training modules suited to their own regions, including a regional assessment of capabilities and training needs.

In view of the above, the Commission would be grateful if the delegations to the fifty-fourth session of the General Assembly would consider inclusion in the resolution on agenda item 40, "Oceans and the law of the sea", the provisions to encourage States parties to the Convention that intend to establish the outer limits of their continental shelves beyond 200 nautical miles to undertake the necessary measures for implementing the relevant provisions of the Convention referred to above and to call for political and financial support for training programmes, especially for developing countries, within the United Nations system and through other appropriate international or regional organizations.

(Signed) Yuri B. KAZMIN
Chairman of the Commission on
the Limits of the Continental Shelf